
DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety
Administration****49 CFR Part 567****[Docket No. NHTSA-99-5073]****RIN 2127-AH49****Vehicle Certification; Contents of
Certification Labels for Altered
Vehicles****AGENCY:** National Highway Traffic
Safety Administration (NHTSA),
Department of Transportation.**ACTION:** Notice of proposed rulemaking
(NPRM).

SUMMARY: This notice proposes to amend NHTSA's regulations on vehicle certification that specify the contents of the certification labels that vehicle alterers **are** required to affix to motor vehicles that they alter. The amendment would require the certification label affixed by the alterer to state that the vehicle, as altered, conforms to all applicable Federal motor vehicle safety, bumper, and theft prevention standards affected by the alteration. Under the existing regulations, the certification

labels on altered vehicles need only state that the vehicles, as altered, comply with all applicable Federal motor vehicle safety and bumper standards affected by the alteration. The proposed amendment would make the certification requirements for vehicle alterers consistent with those for vehicle manufacturers.

DATES: Comments. Comments must be received on or before March 29, 1999.

Applicability Date. If adopted, the proposed amendment would apply to motor vehicles manufactured on or after September 1, 1999.

ADDRESSES: Comments should refer to the docket number above and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. Docket hours are 9 am to 5 pm, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. (202-366-5238).

SUPPLEMENTARY INFORMATION: In a final rule published today, NHTSA is amending its regulations on vehicle certification at 49 CFR 567.4 to require the certification label for multipurpose passenger vehicles (MPVs) and trucks with a gross vehicle weight rating (GVWR) of 6,000 pounds or less to specify that the vehicle complies with all applicable Federal motor vehicle safety and theft prevention standards. As explained in the final rule, this amendment was prompted by a letter that NHTSA had received from a vehicle manufacturer noting that under a provision of the Anti Car Theft Act of 1992 now codified at 49 U.S.C. 33101, the definition of vehicles subject to the major parts marking requirements of the theft prevention standard was expanded to include "a multi-purpose passenger vehicle or light duty truck when that vehicle or truck is rated at not more than 6,000 pounds gross vehicle weight."

One of the comments submitted in response to the notice of proposed rulemaking (NPRM) that preceded this final rule (published on June 25, 1998 at 63 FR 34623) was from John Russell Deane III, who identified himself as the General Counsel of the Speciality Equipment Market Association (SEMA). In his comment, Mr. Deane recommended that NHTSA amend 49 CFR 567.7, the provision in the certification regulations that prescribes requirements for persons who alter certified vehicles, so that it is consistent with the amendments to the certification requirements for

manufacturers at 49 CFR 567.4 that the agency was proposing.

The certification requirements in section 567.7 apply to a person who alters a previously certified vehicle before it is first purchased for purposes other than resale. The certification requirements are triggered only when the vehicle is altered "other than by the addition, substitution, or removal of readily attachable components such as mirrors or tire and rim assemblies, or minor finishing operations such as painting," or when the vehicle is altered "in such a manner that its stated weight ratings are no longer valid."

In his comment, Mr. Deane noted that although vehicle alterers have a statutory responsibility to certify that any vehicle they alter that is subject to the theft prevention standard remains in compliance with that standard following the completion of the alterations, section 567.7 has never been amended to reflect that requirement.

In its response to Mr. Deane's comment, NHTSA acknowledged the validity of the issue that he raised, and stated that the agency would commence rulemaking shortly to address the disparity between the certification responsibilities for manufacturers and those for alterers with regard to the theft prevention standard.

Accordingly, NHTSA is proposing to amend the certification regulations to require the label affixed by vehicle alterers to state that the vehicle, as altered, conforms to all applicable Federal motor vehicle safety, bumper, and theft prevention standards affected by the alteration. So that vehicle alterers have adequate lead time to exhaust their existing inventory of certification labels and have new labels printed, if the proposed amendment is adopted, this requirement would apply to vehicles manufactured on or after September 1, 1999.

Rulemaking Analyses and Notices

1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This proposal was not reviewed under E.O. 12866. NHTSA has analyzed this proposal and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendment would not have a significant economic

impact on a substantial number of small entities. Although most vehicle alterers are likely to qualify as small entities, the proposed rule would have no adverse economic impact upon them because they would be afforded adequate lead time to exhaust their existing inventory of certification labels and have new labels printed. This amendment would also have no effect on small organizations, and small governmental units. Accordingly, no regulatory flexibility analysis has been prepared.

3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws would be affected.

4. National Environmental Policy Act

The agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment.

5. Civil Justice Reform

This proposed rule would not have any retroactive effect. It would modify an existing Federal regulation to make it consistent with a statutory requirement. A petition for reconsideration or other administrative proceeding will not be a prerequisite to an action seeking judicial review of this proposed rule. This proposed rule does not preempt the states from adopting laws or regulations on the same subject, except that if adopted, the resulting Federal regulation would preempt a state regulation that is in actual conflict with the Federal regulation or makes compliance with the Federal regulation impossible or interferes with the implementation of the Federal statute.

Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of

confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 5 12.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material. Comments will also be available on line at www.dms.dot.gov.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 567

Labeling, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, the agency proposes to amend § 567.7, *Requirements for persons who alter certified vehicles*, in Title 49 of the Code of Federal Regulations at Part 567 as follows:

PART 567-[AMENDED]

1. The authority citation for part 567 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, and 30115, 30117, 30166, 32502, 32504, 33101-33104, and 33109; delegation of authority at 49 CFR 1.50.

2. Section 567.7 would be amended by revising paragraph (a) to read as follows:

§ 567.7 Requirements for persons who alter certified vehicles.

(a) The statement: "This vehicle was altered by (individual or corporate name) in (month and year in which alterations were completed) and as altered it conforms to all applicable Federal Motor Vehicle Safety Standards affected by the alteration and in effect in (month, year)." The second date shall be no earlier than the manufacturing date of the original vehicle, and no later than the date alterations were completed.

(1) In the case of passenger cars manufactured on or after September 1, 1999, the expression "safety, bumper, and theft prevention" shall be substituted in the statement for the word "safety".

(2) In the case of multipurpose passenger vehicles (MPVs) and trucks with a GVWR of 6,000 pounds or less manufactured on or after September 1, 1999, the expression "and theft prevention" shall be included in the statement following the word "safety".

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Issued on: January 29, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99-3292 Filed 2-10-99; 8:45 am]

BILLING CODE 4910-59-P

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